

Exhibit A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE JOHNSON & JOHNSON TALCUM
POWDER PRODUCTS, MARKETING, 16-MD-2738-MAS-RLS
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION STATUS CONFERENCE

CLARKSON S. FISHER BUILDING & U.S. COURTHOUSE
402 East State Street, Trenton, New Jersey 08608
September 6, 2023
Commencing at 9:59 a.m.

B E F O R E: THE HONORABLE MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE

THE HONORABLE RUKHSANAH L. SINGH
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

FOR PLAINTIFFS:

ASHCRAFT & GERAL
BY: MICHELLE A. PARFITT, ESQUIRE
BY: JAMES GREEN, ESQUIRE

BEASLEY ALLEN
BY: P. LEIGH O'DELL, ESQUIRE

COHEN PLACITELLA & ROTH
BY: CHRISTOPHER PLACITELLA, ESQUIRE
BY: JUSTIN PLACITELLA, ESQUIRE

Proceedings recorded by mechanical stenography
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1 GOLOMB SPIRT & GRUNFELD
2 BY: RICHARD GOLOMB, ESQUIRE

3 MOTLEY RICE
4 BY: DANIEL LAPINSKI, ESQUIRE

5 GRANT & EISENHOFER
6 BY: SINDHU DANIEL, ESQUIRE

7 MILBERG COLEMAN BRYSON PHILLIPS GROSSMAN
8 BY: VICKI MANIATIS, ESQUIRE

9 NAPOLI SHKOLNIK
10 BY: CHRIS LoPALO, ESQUIRE

11 FOR DEFENDANT JOHNSON & JOHNSON:

12 FAEGRE DRINKER BIDDLE & REATH
13 BY: SUSAN M. SHARKO, ESQUIRE
14 BY: ERIC FRIEDMAN, ESQUIRE

15 SHOOK HARDY & BACON
16 BY: KATHLEEN FRAZIER, ESQUIRE

17 SKADDEN ARPS
18 BY: ALLISON BROWN, ESQUIRE

19 KING & SPALDING
20 BY: KRISTEN FOURNIER, ESQUIRE

21 JOHNSON & JOHNSON
22 BY: ANDREW C. WHITE, ESQUIRE

23 FOR DEFENDANT PCPC:

24 SEYFARTH SHAW
25 BY: DAVID KATZENSTEIN, ESQUIRE
BY: RENÉE APPEL, ESQUIRE

FOR DEFENDANT PTI:

HARDIN KUNDLA McKEON & POLETT
BY: JANET POLETT, ESQUIRE

1 And then third, a list of dispositive motions that
2 are pending.

3 If there are any discrepancies, when the Court
4 reviews the joint submission, we'll follow up with counsel.
5 But I'd like for you folks to meet-and-confer and e-file a
6 joint submission by next week, a week from today, which would
7 be about September -- I have to look at my calendar here,
8 September 12. Let's have them on September 12.

9 The next item I have is a scheduling order. Counsel
10 submitted proposed forms of scheduling orders. The proposed
11 scheduling orders are identical with the exception of
12 paragraph 8, which addresses dispositive and Daubert motions.

13 Plaintiffs' version of paragraph 8 reads as follows:
14 Quote, dispositive motions, including any Daubert motions
15 relating to case-specific and general expert opinions not
16 previously addressed by the Court's April 27, 2020 Daubert
17 opinion, shall be filed by May 6, 2024.

18 Defendant's version of that same paragraph 8 reads as
19 follows: Quote, dispositive motions, including Daubert
20 motions, shall be filed by May 6, 2024, closed quote.

21 I've reviewed your written submissions regarding
22 this. Is there anything else you need to briefly add for the
23 record? And, again, you folks have done a really comprehensive
24 job setting forth your respective positions, but I do want to
25 afford you an opportunity in case there's something additional

1 MS. PARFITT: Yeah. And counsel reminds me that,
2 certainly, if they change their mind and said, oh, I was wrong,
3 there is no causation, certainly that would be permitted. I
4 assure the Court that's not happening. That's the Perry Mason
5 difference, right? That doesn't happen in our world.

6 Thank you. And I stand ready to answer any other
7 questions.

8 THE COURT: Thank you, Ms. Parfitt.

9 Ms. Sharko.

10 MS. SHARKO: So the problem with plaintiffs' proposed
11 language is that it would handcuff the Court and handcuff
12 counsel to a hearing that took place in 2019, to reports that
13 were written in 2019, to an opinion based on the law as it
14 existed in 2020, and to a different rule. And we think that
15 that's inappropriate.

16 A practical solution here is to adopt the defense
17 language, which has no reference to the Daubert opinion. And
18 then when we make our Rule 702 challenges on specific causation
19 and other issues, if the plaintiffs think that we are not
20 following what Chief Judge Wolfson would have done based on
21 2019 science and 2020 law, they can raise that in their
22 opposition, we can respond, and you will rule on that. But you
23 shouldn't foreclose any arguments on 702 that may have been
24 raised before.

25 Now, there have been new articles. We cited some of